



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: Ethan Whisenant
Ming Fong Lin) Art Unit: 1634
Serial No. 09/889,630)
Filed: July 19, 2001)
For: "Therapeutic and)
Diagnostic Applicants of)
Prostatic Acid)
Phosphatase in Prostate)
Cancer"

DECLARATION OF MING FONG LIN

I, Ming Fong Lin, hereby declare that:

1. I am the sole inventor of the invention described and claimed in U.S. Patent Application Serial No. 09,889,630 (the '630 application).
2. I have read and am familiar with the contents of the Official Action dated May 4, 2005 in the '630 application. I note that the Examiner has rejected claims 14-21 under 35 U.S.C. §103(a) as allegedly obvious over the combined disclosures of Lin et al (1992) and Lin et al. (1998).
3. Lin et al. (J. of Biological Chemistry 273:5639 (1998)) forms the basis of US Provisional Application 60/116,551 from which the present application properly claims priority. The '551 application was filed January 21, 1999 and also names me as sole inventor.
4. The other authors listed on the JBC manuscript, namely Tzu-Ching Meng, Prathibha S. Rao, Chawnshang Chang, Axel H. Schonthal, and Fen-Fen Lin were working in my laboratory under my direction and supervision and did not make an inventive contribution to the subject matter claimed in the '630 application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

DATE

8/2/05

Ming Fong Lin, Ph.D.

